

08 CV 5149

Defendants.

DECLARATION OF LAURIE J. RUST

2. On June 13, 2005, Plaintiffs' third-party investigators located an individual using the KaZaA file sharing program to engage in copyright infringement on a massive scale. Plaintiffs' investigators ascertained that the sound recordings were being distributed from Internet Protocol ("IP") address 68.160.209.185. To determine who used this IP address, Plaintiffs filed a "John Doe" complaint and, after obtaining a court order, issued a Rule 45 subpoena to Verizon Internet Services, Inc. ("Verizon"). In response to Plaintiffs' subpoena,

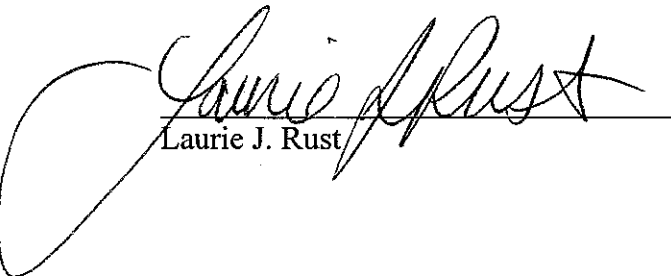
Verizon identified Joan Cassin. On April 21, 2006, after having tried unsuccessfully to resolve the matter with Ms. Cassin, Plaintiffs filed a complaint against Ms. Cassin for copyright infringement, *Warner Bros. Records Inc., et al. v. Cassin*, Case No. 06-CV-3089 (SCR)(GAY) (the "*Cassin*" case).

3. It was not until May 27, 2008 that Ms. Cassin's counsel in the *Cassin* case first made clear Ms. Cassin's claim that she did not commit the copyright infringement that occurred through her Internet account. Neither Ms. Cassin, nor her attorney, however, revealed who might be responsible for the infringing activity alleged in Plaintiffs' Complaint.

4. Through Plaintiffs' continued investigation, Plaintiffs have identified Ms. Cassin's daughter as Olivia M. Cassin. Olivia Cassin's initials - OMC - are a match to the KaZaA username, "omc@KaZaA." Based on this information, Plaintiffs believe that Olivia Cassin likely has information concerning who may be responsible for such infringement

5. In light of Ms. Cassin's denial of liability and failure to disclose who might be responsible for the infringement, Plaintiffs dismissed the *Cassin* case and pursued the copyright infringement through the current *Doe* action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this ^{3rd} day of June, 2008.


Laurie J. Rust